

2005-113-2

PATENT

Attorney Docket No.: UCSD1480-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Hostetler et al.	Art Unit:	1612
Application No.:	10/770,885	Examiner:	Snigdha Macwall
Filed:	February 2, 2004	Conf No.:	1066
Title:	LIPID DRUG CONJUGATES FOR LOCAL THERAPY OF EYE DISEASES		

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF APPLICANT UNDER 37 C.F.R. § 1.131**

Sir:

I, William R. Freeman, inventor of the above-identified application, do hereby declare and state that:

1. I am familiar with the above-identified patent application and the disclosure in the specification of methods for treating various disorders.
2. I have reviewed the Office Action mailed August 17, 2009, and I understand that claims 1, 5-12, 14-58, 62, and 63 have been rejected, *inter alia*, under 35 U.S.C. § 103(a), as allegedly being obvious over Cheng et al. (Investigative Ophthalmology & Visual Science, February 2002, Vol. 43, No. 2, herein onwards Cheng et al. I). I understand that the publication date of Cheng et al. I is February 2002.
3. I declare that the coauthors of the Cheng et al. I publication, namely Sunan Chaidhawangul, Michael F. Gardner, James R. Beadle, Mitsuko Toyoguchi, and Germaine Bergeron-Lynn, were students working under the direction and supervision of the inventors, Karl Y. Hostetler, William R. Freeman, and Lingyun Cheng.
4. Prior to the publication date of Cheng et al. I, I had used the compounds disclosed in the above-identified application. Particularly, I used intravitreally injectable

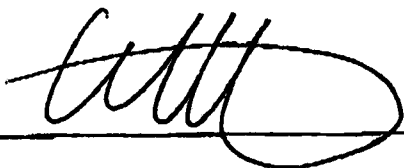
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crystalline 1-O-hexadecylpropanediol-3-phospho-ganciclovir, i.e. HDP-P-GCV, for the treatment or prevention of herpes simplex virus (HSV)-1 retinitis. Therefore, I conceived of an reduced to practice the methods claimed in the current application before the publication date of Cheng et al. I.

5. I further declare that all statements made herein of knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECEMBER 8, 2009

Date



William R. Freeman

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Attorney Docket No.: UCSD1480-1

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Sir:

I, Lingyun Cheng, inventor of the above-identified application, do hereby declare and state that:

1. I am familiar with the above-identified patent application and the disclosure in the specification of methods for treating various disorders.
2. I have reviewed the Office Action mailed August 17, 2009, and I understand that claims 1, 5-12, 14-58, 62, and 63 have been rejected, *inter alia*, under 35 U.S.C. § 103(a), as allegedly being obvious over Cheng et al. (Investigative Ophthalmology & Visual Science, February 2002, Vol. 43, No. 2, herein onwards Cheng et al. I). I understand that the publication date of Cheng et al. I is February 2002.
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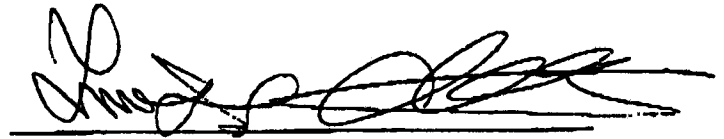
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Dec. 8, 2009

Date



Lingyun Cheng

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Sir:

I, Karl Y. Hostetler, inventor of the above-identified application, do hereby declare and state that:

1. I am familiar with the above-identified patent application and the disclosure in the specification of methods for treating various disorders.
2. I have reviewed the Office Action mailed August 17, 2009, and I understand that claims 1, 5-12, 14-58, 62, and 63 have been rejected, *inter alia*, under 35 U.S.C. § 103(a), as allegedly being obvious over Cheng et al. (Investigative Ophthalmology & Visual Science, February 2002, Vol. 43, No. 2, herein onwards Cheng et al. I). I understand that the publication date of Cheng et al. I is February 2002.
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25-01-2010

Date

Karl Hostettler

Karl Y. Hostettler